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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH,,
12 Plaintiff,
13 v.
14 RESOURCE DEVELOPMENT
SERVICES, INC., et al,
15 Defendant.

CASE NO. C-10-01324 JF

STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
DEFENDANT A&S METALS TO
ANSWER OR OTHERWISE RESPOND
TO COMPLAINT

17
18 **STIPULATION**

19 WHEREAS plaintiff National Union Fire Insurance Company of Pittsburgh ("National
20 Union") filed its original complaint in this action on March 29, 2010;

21 WHEREAS defendant A&S Metals of Los Banos, Inc. (incorrectly named in the
22 complaint herein as A& S METALS) (hereinafter "A&S Metals") was not served with a copy of
23 the original complaint;

24 WHEREAS plaintiff National Union filed a First Amended Complaint on June 1, 2010;

25 WHEREAS defendant A&S Metals was served with a copy of the First Amended
26 Complaint on or about July 9, 2010;

27 WHEREAS defendant A&S Metals recently retained counsel to represent them in this
28 matter;

1 WHEREAS counsel for defendant A&S Metals require additional time to review the First
2 Amended Complaint and prepare an answer or other response thereto;

3 WHEREAS plaintiff's counsel does not object to extending the time in which defendant
4 A&S Metals may answer or otherwise respond to the First Amended Complaint;

5 WHEREAS the next hearing in this matter is presently scheduled for September 24,
6 2010, and at which hearing this Honorable Court will rule upon the pending motions to dismiss
7 the First Amended Complaint and/or for more definite statement filed by and/or joined in by
8 multiple defendants;

9 IT IS HEREBY AGREED AND STIPULATED that should this Court DENY the
10 pending motions to dismiss the First Amended Complaint and/or for more definite statement,
11 that the deadline by which A&S Metals must answer or otherwise respond to the First Amended
12 Complaint shall be September 28, 2010; and

13 IT IS FURTHER HEREBY AGREED AND STIPULATED that should this Court
14 GRANT the pending motions to dismiss the First Amended Complaint and/or for more definite
15 statement, that defendant A&S Metals will have 21 days from service of the Second Amended
16 Complaint to answer or otherwise respond to the Second Amended Complaint.

17 IT IS SO STIPULATED.

18 Dated: September 3, 2010

FENTON & KELLER

20 By:

Dennis G. McCarthy
Brian E. Turlington
Attorneys for Defendant
A&S METALS

23 Dated: September __, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

25 By:

ERNEST E. PRICE
ARNOLD E. SKLAR
EUGENE S. SUH
Attorneys for Plaintiffs
NATIONAL UNION FIRE INSURANCE

1 WHEREAS counsel for defendant A&S Metals require additional time to review the First
2 Amended Complaint and prepare an answer or other response thereto;

3 WHEREAS plaintiff's counsel does not object to extending the time in which defendant
4 A&S Metals may answer or otherwise respond to the First Amended Complaint;

5 WHEREAS the next hearing in this matter is presently scheduled for September 24,
6 2010, and at which hearing this Honorable Court will rule upon the pending motions to dismiss
7 the First Amended Complaint and/or for more definite statement filed by and/or joined in by
8 multiple defendants;

9 IT IS HEREBY AGREED AND STIPULATED that should this Court DENY the
10 pending motions to dismiss the First Amended Complaint and/or for more definite statement,
11 that the deadline by which A&S Metals must answer or otherwise respond to the First Amended
12 Complaint shall be September 28, 2010; and

13 IT IS FURTHER HEREBY AGREED AND STIPULATED that should this Court
14 GRANT the pending motions to dismiss the First Amended Complaint and/or for more definite
15 statement, that defendant A&S Metals will have 21 days from service of the Second Amended
16 Complaint to answer or otherwise respond to the Second Amended Complaint.

17 IT IS SO STIPULATED.

18 Dated: September 3, 2010

FENTON & KELLER

19 By:

Dennis G. McCarthy
Brian E. Turlington
Attorneys for Defendant
A&S METALS

20 Dated: September 7, 2010

21 ROPERS, MAJESKI, KOHN & BENTLEY

22 By:

23 ERNEST E. PRICE
ARNOLD E. SKLAR
EUGENE S. SUH
Attorneys for Plaintiffs
NATIONAL UNION FIRE INSURANCE

ORDER

By stipulation, and for good cause shown, it is hereby ordered that should this Court deny the pending motions to dismiss the First Amended Complaint and/or for more definite statement, that the deadline by which defendant A&S Metals must answer or otherwise respond to the First Amended Complaint shall be September 28, 2010; and should this Court grant the pending motions to dismiss the First Amended Complaint and/or for more definite statement, that defendant A&S Metals will have 21 days from service of the Second Amended Complaint to answer or otherwise respond to the Second Amended Complaint.

IT IS SO ORDERED.

Dated: September 9 , 2010


JEREMY FOGEL
UNITED STATES DISTRICT JUDGE